

REMARKS/ARGUMENTS

In the Office Action mailed September 20, 2007, claims 1-7 were rejected. Additionally, claims 1-3 and 5-7 were objected to. Additionally, the specification was objected to. In response, Applicants hereby request reconsideration of the application in view of the amended claims and the below-provided remarks. Claim 1-7 are canceled, and claims 8-14 are added. Applicants submit that these amendments are supported by the subject matter of the original claims.

Objections to the Specification

The abstract is objected to because it exceeds 150 words. Applicants submit that the abstract is amended to contain no more than 150 words. Accordingly, Applicants respectfully request that the objection to the specification based on the length of the abstract be withdrawn.

The Office Action also suggests that section headings be added to the specification, according to the guidelines set forth in the MPEP. Applicants note that the suggested section headings are not required and, hence, Applicants respectfully decline to amend the specification to include the indicated section headings.

Claim Rejections under 35 U.S.C. 112

Claims 1-7 were rejected under 35 U.S.C. 112, second paragraph, because phrases in the claims render the claims indefinite because it is unclear whether certain limitations are part of the claimed invention. Applicants submit that claims 1-7 are canceled. Accordingly, the rejections of claims 1-7 under 35 U.S.C. 112, second paragraph, are moot and should be withdrawn. Moreover, the new claims do not recite the indicated phrases that were the basis of the rejections of claims 1-7 under 35 U.S.C. 112, second paragraph.

Claim Rejections under 35 U.S.C. 101

Claim 7 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, the Office Action states that claim 7 is improper because it

is directed to a method without setting forth any steps involved in the process. However, claim 7 is canceled. Accordingly, the rejection of claim 7 under 35 U.S.C. 101 is moot and should be withdrawn.

Claim Rejections under 35 U.S.C. 103(a)

Claims 1-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura et al. (JP Pat. Pub. No. JP2001092934, hereinafter Tamura) in view of Pickett et al. (U.S. Pat. No. 5,451,763, hereinafter Pickett). However, claims 1-6 are canceled. Accordingly, the rejections of claims 1-6 under 35 U.S.C. 103(a) are moot and should be withdrawn. Moreover, Applicants respectfully submit that new claims 8-14 are patentable over Tamura and Pickett for the reasons provided below.

Claims 8-13

Claim 8 recites “a coupling element coupled to the electrical circuit, the coupling element comprising a capacitive element to facilitate the contactless transmission between the electronic data carrier and the base station, wherein the coupling element is at least partially embedded into or integrated with each of the first and second pages, wherein the coupling element is configured to facilitate the contactless transmission with the base station essentially only in one state of the opened state and the closed state” (emphasis added).

The Office Action recognizes that Tamura does not teach a coupling element defined as a capacitive element. Hence, the Office Action relies on Pickett as purportedly teaching a coupling element designed as a capacitive element. The Office Action concludes that it would have been obvious at the time of the invention to combine the capacitive plate of Pickett with the invention of Sakae, for various reasons. However, Applicants respectfully note that the combination of Pickett and Sakae is inapposite and unrelated to the teachings of Tamura because the Office Action does not attempt to combine the teachings of Pickett with the invention of Tamura.

Moreover, the teachings of Pickett should not be combined with the invention of Tamura because the functionality of the system described in Tamura relies on the use of a coil-like antenna 22. Tamura, figure 3. The coil-like antenna is formed along the

periphery of the sheets of the booklet. Tamura, paragraph 27. In particular, the coil-like antenna specifies a usable area A, or blockade field, according to the inner circumference of the coil-like antenna. Tamura, paragraphs 36-37. According to Tamura, the usable area, or blockade space, is essential for data transmissions because if the blockade space is lost and, hence, the usable space is negligible, then electric power is not induced by the coil-antenna and read/write operations are not performed. Tamura, paragraph 38. In contrast, the capacitive plates of Pickett do not define a usable area, or blockade space, within the circumference of the capacitive plate. Thus, the combination of the capacitive plates of Pickett with the invention of Tamura would eliminate a usable area, or blockade space, and render the system of Tamura unable to perform read/write operations, according to the description of Tamura.

Furthermore, the capacitive plates of Pickett are designed for use with corresponding capacitive plates on a read/write unit which requires the capacitive plates of the IC card to be placed in close proximity to the corresponding capacitive plates of the read/write unit. In fact, the IC card does not appear to be capable of contactless transmission because the IC card is inserted into the read/write unit in order to transfer data between the read/write unit and the IC card. Pickett, col. 4, lines 4-16. In other words, the IC card is in contact with the read/write unit in order to perform the data transfer. Therefore, the combination of the capacitive plates of Pickett with the invention of Tamura would also render the invention of Tamura incapable of contactless transmission.

For these reasons, Applicants submit that the cited references should not be combined, despite the Office Action's assertions, because such combination would render the invention of Tamura useless, according to the teachings of Tamura, since the capacitive plates of Pickett did not specify any usable area, or blockade space, as required by Tamura. Additionally, or in the alternative, the purported combination fails to teach all of the limitations of the claim because the purported combination does not teach contactless transmission. Accordingly, Applicants respectfully submit that claim 8 is patentable over the combination of cited references at least for these reasons.

Claims 9-13 depend from and incorporate all of the limitations of independent claim 1. Applicants respectfully assert claims 9-13 are allowable based on an allowable base claim. Additionally, each of claims 9-13 may be allowable for further reasons.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

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Respectfully submitted,
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